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Our ref: AMN/23/16  
Our case ID: 300019586

11 August 2017

Dear Mr Leslie

**Places, People and Planning – Position Statement  
Environmental Assessment Scotland Act 2015  
Planning Bill – Environmental Report**

Thank you for your consultation which we received on 29 June 2017 about the above Position Statement and its Environmental Report (ER). We have reviewed these documents in relation to our main area of interest for the historic environment. The first part of this response relates to the position statement with part two focusing upon the environmental assessment of the forthcoming Planning Bill. Our comments have also been submitted via the online consultation response form.

**Part 1: Places, People and Planning – Position Statement**

Change is an inevitable part of the dynamic of the historic environment, and how this is managed is the critical factor. It is vital to strike the right balance between development and the protection of significant historic environment assets. The planning system is one of the main mechanisms in which this balance between protection and managing change must be considered – in specific cases and more strategically.

In light of this, Historic Environment Scotland is committed to supporting reform of the Scottish planning system and welcomes the preparation of this position statement as a next step in taking this forward. We note the request for consultees to not repeat representations previously made on the *Places, People and Planning* consultation paper. We have therefore focused our comments upon those aspects where further information is now available and where we would wish to highlight matters relating to our vision for the historic environment within a reformed planning system.

***Do you have any views on the proposals contained within this position statement?***

The following points provide our comments on the specific proposals included in the position statement where we wish to expand upon representations that we have already submitted:

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### **Proposal 1: Aligning community planning and spatial planning**

The position statement proposes a statutory link between development planning and community planning. It is also proposed that spatial planning should be better recognised within community planning, believing this would be supported by local authority Chief Executives 'signing off' local development plans.

We continue to recognise the benefits that could be realised through closer integration between community and spatial planning, and support this proposal. While those aspects of local service delivery and spatial planning that are interdependent should already form part of the development plan preparation process, this statutory link would potentially encourage this to happen. It will be important for future guidance in this area to highlight what these connections are and, at a practical level, how closer working could yield greater benefits than the status quo.

We are particularly interested in the potential for synergies between existing Locality Plans and proposed new Local Place Plans, with the former already identifying helpful information about the environmental context of our places as part of neighbourhood profiling and place standard analysis.

### **Proposal 3: Improving national spatial planning and policy**

The position statement notes – and we agree – that restating national policy in local development plans adds time and complexity. However, development plans currently form the statutory decision-making framework, necessitating repetition of what Scottish Planning Policy currently recommends.

As noted previously, we strongly support a move towards a Scottish Planning Policy with enhanced status that could remove, or reduce, the need for detailed repetition and interpretation on topic areas where there is no or minimal scope for local variation. In support of this we would welcome the opportunity to explore where statutory national policy for designations such as listed buildings could be introduced. This would enable both planning authorities and HES to focus greater attention upon identifying deliverable and sustainable development opportunities. A similar principle could be applied to a wide range of topics within SPP where there is little scope for local variation.

### **Proposals 4 and 5: Stronger local development plans / making plans that deliver**

The position statement confirms that Main Issues Reports should be replaced with a draft plan, a new gate-check process, an extension to a 10 year cycle and opportunities for update and modification.

We support these proposals and welcome the move away from the preparation of a Main Issues Report to a draft plan. As you are aware, recent research commissioned by The Scottish Government, HES, SNH and SEPA on good practice in the environmental assessment of development plans has highlighted the importance of close integration between SEA and the plan-making process. The planning Bill provides a key opportunity

to address lessons we have learned regarding the integration of effective and proportionate assessment into a new development planning regime.

With this in mind, we are particularly interested in exploring the extent to which the proposed new gate-check procedure can provide for successful mainstreaming of Strategic Environmental Assessment. It may be that a phased gate-checking process, with multiple steps would be necessary – as opposed to a one-off event at the beginning of the plan preparation process. It is also important that procedures for updating local development plans are aligned with existing SEA requirements, including any new mechanisms for their adoption as part of the development plan.

We also note that statutory Supplementary Guidance will be removed, which in our view strengthens the case for an enhanced Scottish Planning Policy and NPF with associated national guidance on certain planning topics. We are committed, along with other Key Agencies, in supporting this wherever possible.

Finally, we strongly support the aspiration throughout this review process to a fully plan-led system. Proposals around making participation in a plan-led system more attractive than the submission of speculative proposals will be crucial to this being a success. In light of this, we support the suggestion of enhanced pre-application engagement on applications that have not benefitted from being allocated within the development plan. Our experience in the current system is that those sites which have gone through a robust plan-led approach are far more successful in delivering better outcomes for the historic environment.

On a technical matter, we would also highlight that provision should perhaps be included for a requirement to consult Key Agencies on all major development proposals, as opposed to the current advisory provision to do so within guidance.

### **Proposal 6: Giving people the opportunity to plan their own place**

The position statement identifies various ways in which communities could have a greater say over plan preparation and development management decisions that affect them. A key aspect of this will be facilitated through the introduction of a new right for communities to plan their own place, with those Local Place Plans potentially forming part of the statutory development plan.

We support these proposals and are committed to enabling and supporting discussions with community groups on how the historic environment contributes to place making. More generally, it will be important for community groups to be afforded flexibility in defining their approach as well as provided with sufficient guidance and support on a range of topics to help them produce sustainable plans that are in line with environmental objectives.

We also recognise that, in terms of alignment with Locality Planning and Community Planning more generally, there will need to be clear guidance around the relative purpose

and overlaps between what initially sound like very similar planning tools. Given the potential for confusion, clear and consistent use of terminology will be important. We should also be realistic about the potential resource implications this new provision is likely to introduce and the extent to which local communities, local authorities and Key Agencies are currently positioned to support this transformation.

### **Proposal 16: Developing skills to deliver outcomes**

The position statement highlights a number of proposals that seek to develop and strengthen planning skills, recognising the importance of interdisciplinary working opportunities such as internships and secondments. Priority areas for skills development have been identified around leadership, mediation, development economics, project management, energy planning, design, placemaking, archaeology, and environmental assessment.

We support the commitment to developing skills and agree with the priority areas identified above. In terms of archaeology skills development, we would suggest that this is widened to incorporate the provision of specialist heritage advice more generally. We would welcome the opportunity to contribute towards the delivery of skills development programmes in this area, as well as the development of any shared service models. Similarly, we note that environmental assessment has been identified as another area where there may be scope to develop shared service models. Through initiatives such as the national forums for SEA and development planning an element of peer review and sharing good practice does already occur and we would welcome the opportunity to maintain and build on this network of experienced practitioners to identify further ways of sharing experience more widely.

## **Part 2: Planning Bill – Environmental Report**

### ***What are your views on the accuracy and scope of the information used to describe the SEA environmental baseline set out in the Environmental Report?***

The environmental baseline information and accompanying protection objectives for cultural heritage provide a helpful basis for the assessment and we have no comments to offer on these.

### ***What are your views on the predicted environmental effects as set out in the Environmental Report?***

We note that the methodology for your assessment, following scoping stage, was refined into a two-stage process of assessment, to reflect the strategic-level focus of the package of proposals, followed by some specific considerations of the proposals themselves. Overall we support the approach taken, and agree with the conclusions reached for both stages.

We welcome that the environmental assessment has been an iterative process, and note the approach you have taken to the consideration of alternatives. However, as we suggested during scoping, it would have been useful to understand the reasoning behind why some of the recommendations that formed part of the *Places, People and Planning* consultation exercise were not taken forward, and to what extent this was based upon their environmental effect or other factors.

We would also query the inclusion of option 1 at para 2.52 as a reasonable alternative. This is because this option primarily represents evolution of the baseline in the absence of the package of proposals. Given the commitments made to a reformed planning system, it is difficult to envisage no change as being a reasonable option.

***What are your views on the findings of the SEA and the proposals for mitigation and monitoring of the environmental effects set out in the Environmental Report?***

The assessment is clearly presented and we are broadly content with the findings in relation to the historic environment. Key findings include the need to consider alignment between environmental assessment legislation (HRA and SEA) and the new plan preparation process, as well as the need for alignment with new provisions around Local Place Plans. We therefore welcome the mitigation measures highlighted in table 5.1 and the commitment to preparing new guidance that takes into account the current research being undertaken on behalf of the Consultation Authorities and The Scottish Government.

As recognised within the report, proposals relating to changes in permitted development rights and Simplified Use of Planning Zones (including increased usage of these planning tools) could lead to both positive and negative environmental effects. Given this will remain uncertain until specific measures are brought forward, we would suggest that these are added to this schedule of mitigation measures as a way of highlighting that further assessment may be required.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this consultation is Alasdair McKenzie who can be contacted by phone on 0131 668 8924 or by email on [alasdair.mckenzie@hes.scot](mailto:alasdair.mckenzie@hes.scot).

Yours faithfully

**Historic Environment Scotland**